

Message Text

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43

ACTION ORM-02

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INR-07 NSAE-00 AS-01 SY-05 FBIE-00 PM-04 /032 W

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P 171444Z NOV 75

FM AMEMBASSY PORT AU PRINCE

TO SECSTATE WASHDC PRIORITY 1037

INFO COMNAVBASE GUANTANAMO BAY CUBA PRIORITY

CNO WASHDC PRIORITY

CINCLANTFLT NORFOLK VA PRIORITY

COMNAVFORCARIB ROOSEVELT RDS PR

INS WASHDC

USCG WASHDC

AMEMBASSY KINGSTON

AMEMBASSY NASSAU

C O N F I D E N T I A L PORT AU PRINCE 2874

EO 11652 GDS

TAGS: PFOR, SREF, HA

SUBJECT: HAITIANS RESCUED AT GUANTANAMO NAVAL BASE

REF: 161315Z NOV 75 COMNAVBASE GUANTANAMO BAY CUBA (NOTAL)

1. GTMO US NAVAL BASE REPORTED (REFTEL) THAT AT 160605Z NOV 75 IT RESCUED A 20-FOOT OPEN HAITIAN SAILBOAT SENDING APPARENT DISTRESS SIGNALS AND CARRYING 18 HAITIAN MALES AND 7 HAITIAN FEMALES, AGES RANGING FROM 16 TO 43 YEARS. GROUP SPOKESMAN AND TRANSLATOR IS HAITIAN MALE, JOSEPH JACQUES, FLUENT IN ENGLISH. HAITIANS CLAIMED TO HAVE BEEN ENROUTE MIAMI TO ESCAPE POVERTY AND SEEK BETTER LIFE. THEY CLAIMED TO HAVE NO PRISON RECORDS OR DIFFICULTIES WITH HAITIAN AUTHORITIES. THEY SAID THEY BOUGHT SAILBOAT LEGALLY BUT HAD NO OWNERSHIP PAPERS. NO INDICATION IF HAITIANS HAD PASSPORTS OR US VISAS. GTMO IS TREATING GROUP AS DISTRESSED MARINERS. SAILBOAT'S SEAWORTHINESS UNCERTAIN.

2. RECOMMENDATION - EMBASSY RECOMMENDS THAT SO LONG AS NONE OF GROUP REQUESTS POLITICAL ASYLUM, HAITIANS SHOULD BE
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TREATED AS DISTRESSED MARINERS AND ENCOURAGED TO RETURN TO

HAITI IF THEY ARE NOT PROPERLY DOCUMENTED TO ENTER US TERRITORY. IN THESE CIRCUMSTANCES WE ALSO RECOMEND THAT WE BE AUTHORIZED TO NOTIFY GOH THAT GTMO US NAVAL BASE IS ACCORDING THE HAITIANS EMERGENCY ASSISTANCE AS DISTRESSED MARINERS, AND OFFER TO SERVE AS INTERMEDIARY BETWEEN GOH AND MARINERS TO HELP ASSURE LATTER'S SAFE RETURN HOME. THIS PROCEDURE WORKED WELL LAST AUGUST WHEN GOH COOTERATED WITH PANAMA CANAL ZONE AND JAMAICAN AUTHORITIES TO ASSURE SAFE RETURN TO HAITI WITHOUT REPRISALS OF TWO SEPARATE GROUPS OF HAITIAN WOULD-BE ECONOMIC REFUGEES RESCUED ON HIGH SEAS (PAUP 2141 261700Z AUG 75). WE ALSO UNDERSTAND FROM GOH SECURITY OFFICIAL THAT BAHAMIAN AUTHORITIES QUICKLY NOTIFIED HAITIAN CONSUL GENERAL IN NASSAU TO ARRANGE SAFE RETURN TO HAITI OF THE 35 HAITIANS WHO LANDED SHIPWRECKED ON ANDROS ISLAND O/A OCT 16, 1975 (NASSAU 1795 231700Z OCT 75). COOPERATION WITH GOH ALSO WORKED WELL IN THE RETURN TO HAITI FROM GTMO OF THE 25 HAITIAN WOULD-BE POLITICAL/ECONOMIC REFUGEES RESCUED BY THE USS NIPMUC IN FEB 1974 (PAUP 522 061711Z MAR 75; PAUP A-42 OF 3/21/75.) OUR RECOMMENDTION IS CONSISTENT WITH OUR RECIPROCAL REQUESTS TO GOH FOR PROMPT NOTIFICATION OF, AND CONSULAR ACCESS TO, ALL AMCITS IN CUSTODY OF ANY HAITIAN AUTHORITIES.

3. "POLITICAL ASYLUM" OPTION - SHOULD IN THE MEANTIME ANY OF THE HAITIANS REQUEST POLITICAL ASYLUM (AND WE ADVISE AGAINST RAISING THE SUBJECT IN ANY WAY WHICH WOULD ENCOURAGE THEM TO DO SO), EMBASSY WOULD BE PREPARED TO SEND CONSULAR OFFICER TO CONDUCT APPROPRIATE INTERVIEW (AS IT DID IN FEB. 1974), ASSUMING GTMO CAN PROVIDE TRANSPORTATION.

4. "NO REPRISALS" QUESTION - UNLESS PROBLEM OF POLITICAL ASYLUM REQUESTS SHOULD ARISE, WE PERCEIVE NO NEED TO ASK GOH FOR FORMAL ASSURANCES THAT IT WILL NOT TAKE LEGAL ACTION AGAINST ERRANT MARINERS. IF, FOR EXAMPLE, SAILBOAT WAS STOLEN OR HAITIANS DEPARTED ILLEGALLY (AS IS LIKELY), WE SEE NO BASIS FOR DENYING GOH ITS RIGHT TO ENFORCE HAITIAN LAW. ON OTHER HAND, WE DO RECOMMEND SEEKING INFORMAL ASSURANCES THAT SHOULD ANY ACTIONS BE TAKEN REGARDING RETURNED MARINERS, THAT THEY BE STRICTLY ACCORDING TO LAW AND ESSENTIALLY AIMED AGAINST THE COMMERCIAL ORGANIZERS (IF ANY) OF THE PRESUMABLY ILLEGAL EXODUS.

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